

AO 441 (Rev. 07/10) Summons on Third-Party Complaint

UNITED STATES DISTRICT COURT

for the  
Eastern District of New York

DMJ Associates, L.L.C.

Plaintiff

v.

Carl A. Capasso, et al.

Defendant, Third-party plaintiff

v.

Ace Waste Oil, Inc., et al.

Third-party defendant

Civil Action No. 97-7285 (DLI) (RML)

See Rider A for complete caption

SUMMONS ON A THIRD-PARTY COMPLAINT

To: (Third-party defendant's name and address)

New York City Transit Authority  
130 Livingston Street  
Brooklyn, New York

Exxon Mobil Corp. and

A lawsuit has been filed against defendants Quanta Resources Corp., who as third-party plaintiff is making this claim against you to pay part or all of what the defendant may owe to the plaintiff DMJ Associates, L.L.C.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff and on the defendant an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the defendant or defendant's attorney, whose name and address are:

Allen G. Reiter, Arent Fox LLP, Attorneys for Third-Party Plaintiff Quanta Resources Corp., 1675 Broadway, New York, NY 10019 and Andrew E. Anselmi, McCusker, Anselmi, Rosen & Carvelli P.C., Attorneys for Third-Party Plaintiff Exxon Mobil Corp., 210 Park Avenue, Suite 301, Florham Park, NJ 07832

It must also be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael D. Goodstein and Stacey H. Myers, Hunsucker Goodstein PC, 5335 Wisconsin Avenue NW, Suite 360, Washington, DC 20015

If you fail to respond, judgment by default will be entered against you for the relief demanded in the third-party complaint. You also must file the answer or motion with the court and serve it on any other parties.

A copy of the plaintiff's complaint is also attached. You may — but are not required to — respond to it.

Date: 10/23/2013

DOUGLAS C. PALMER

CLERK OF COURT

Signature of Clerk or Deputy Clerk

**RIDER A TO SUMMONS**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

DMJ ASSOCIATES, L.L.C.,

Plaintiff,

-against-

CV 97 7285 (DLI)(RML)

CARL A. CAPASSO; BASF CORPORATION;  
CHEMICAL LEAMAN TANK LINES, INC.;  
PROCTER & GAMBLE HAIRCARE LLC;  
EXXON MOBIL CORPORATION; GENERAL  
DYNAMICS CORPORATION; RUSSELL W.  
MAHLER; REVIEW SUPPLIES, INC.; QUANTA  
RESOURCES CORPORATION; THE  
HITCHCOCK GAS ENGINE COMPANY; THE  
STANLEY WORKS; NANCO CONTRACTING  
CORP.; UNDERGROUND EQUIPMENT CO.,  
LTD.; ROCKWELL AUTOMATION, INC.;  
DAIMLERCHRYSLER CORPORATION; FORD  
MOTOR COMPANY; INGERSOLL-RAND  
COMPANY; UNITED TECHNOLOGIES  
CORPORATION; MERRILL LYNCH & CO.,  
INC.; PARIBAS NORTH AMERICA INC. AS  
INDEMNITOR OF MERRILL LYNCH & CO.,  
INC. AND MERRILL LYNCH MONEY  
MARKETS, INC.; ALCOA INC. f/k/a  
ALUMINUM COMPANY OF AMERICA;  
ALLIED WASTE INDUSTRIES, INC.  
(INCLUDING BROWNING-FERRIS  
INDUSTRIES, LLC OR "B.F.I."); BARRY  
CONTROLS DIVISION OF BARRY WRIGHT  
CORPORATION; BEAZER EAST, INC. F/K/A  
KOPPERS, COMPANY, INC.; BORGWARNER  
INC.; BP PRODUCTS NORTH AMERICA INC.,  
INCLUDING BP AMOCO CORPORATION,  
ATLANTIC RICHFIELD CO., AND AMERICAN  
BRASS-ANACONDA (A/K/A OUTOKUMPU  
AMERICAN BRASS, INC.); BUCKEYE PIPE  
LINE COMPANY, L.P.; CARRIER  
CORPORATION; CATERPILLAR INC.;  
CHEVRON ENVIRONMENTAL

MANAGEMENT COMPANY (FOR ITSELF AND ON BEHALF OF CHEVRON U.S.A. INC., TEXACO INC., AND KEWANEE INDUSTRIES, INC.); COLONIAL PIPELINE COMPANY; CRUCIBLE MATERIALS CORPORATION (A/K/A CRUCIBLE SPECIALTY METALS) FORMERLY A DIVISION OF COLTEC INDUSTRIES; DANA CORPORATION; EVEREADY BATTERY CO., INC., SUCCESSOR TO CERTAIN OF THE BATTERY RELATED LIABILITIES OF UNION CARBIDE CORP.; GENERAL ELECTRIC COMPANY; GENERAL MOTORS CORPORATION; GOULDS PUMPS, INC.; HONEYWELL INTERNATIONAL INC.; MACK TRUCKS, INC.; METROPOLITAN SUBURBAN BUS AUTHORITY D/B/A MTA LONG ISLAND BUS; MILLER BREWING COMPANY; NIAGARA MOHAWK POWER CORP.; NATIONAL GRID USA; NATIONAL GRID GROUP PLC; NORTHROP GRUMMAN CORPORATION (ON BEHALF OF NORTHROP GRUMMAN SYSTEMS CORPORATION) (GRUMMAN AEROSPACE CORP.) AND NORTHROP GRUMMAN SPACE & MISSION SYSTEMS CORPORATION (TRW INC.); PFIZER INC; WARNER-LAMBERT COMPANY LLC (ITS FORMER SCHICK-WILKINSON SWORD DIVISION); WARNER-LAMBERT COMPANY LLC (ITS FORMER WHOLLY-OWNED SUBSIDIARY NEPERA, INC.); PHARMACIA CORPORATION (ITS WHOLLY-OWNED SUBSIDIARY THE UPJOHN COMPANY); PUBLIC SERVICE ELECTRIC AND GAS COMPANY ("PSE&G"); REYNOLDS METALS COMPANY A/IC/A REYNOLDS ALUMINUM; ROME STRIP STEEL COMPANY, INC.; SHELL OIL CO.; SIKORSKY AIRCRAFT CORPORATION; SPX CORPORATION, ON BEHALF OF ITS FORMER DIVISION, LEEDS & NORTHROP; THE MILLER COMPANY (N/K/A T CORP.); AND VIACOM INC., SUCCESSOR BY MERGER TO CBS CORPORATION, FORMERLY KNOWN AS WESTINGHOUSE ELECTRIC CORPORATION,

Defendants.

EXXON MOBIL CORPORATION and QUANTA  
RESOURCES CORPORATION,

Defendants/Third-Party Plaintiffs,

-against-

ACE WASTE OIL, INC.; ACTIVE OIL SERVICE;  
ALCAN ALUMINUM CORPORATION (a/k/a  
ALCAN SHEET & PLATE); ALL-COUNTY  
ENVIRONMENTAL SERVICE; AMPHENOL  
CORPORATION; ANDAX ENVIRONMENTAL  
CORP.; ASHLAND CHEMICAL, INC. (a/k/a  
ASHLAND, INC.); AVCO CORPORATION (a/k/a  
AVCO LYCOMING); BROOKHAVEN  
NATIONAL LABORATORY; REPUBLIC  
ENVIRONMENTAL SYSTEMS, INC. (a/k/a  
CHEMICAL MANAGEMENT INC.);  
CHEMICAL POLLUTION CONTROL, INC.  
(a/lc/a PHILLIPS ENVIRONMENTAL);  
CROSMAN CORP. (f/k/a COLEMAN AIRGUNS,  
INC.) (f/k/a CROSMAN ARMS COMPANY,  
INC.); AMERICAN CLASSIC SANITATION  
(f/k/a FARNHAM ENVIRONMENTAL &  
FARNHAM SANITATION SYSTEMS OF CT);  
HARBOR PETROLEUM CORP.; EMHART  
TEKNOLOGIES LLC; THE HITCHCOCK GAS  
ENGINE COMPANY; INDUSTRIAL  
DEVELOPMENT CORP. (a/k/a INDUSTRIAL  
ENVIRONMENTAL); INTERSTATE TANK  
CLEANING CORP.; JONES ENVIRONMENTAL  
SERVICES (NORTHEAST), INC. (f/k/a  
GEOCHEM, INC.) (f/k/a JET-LINE SERVICES,  
INC.); THE MARLIN FIREARMS COMPANY;  
NASSAU TANK CLEANING SERVICE, INC.;  
REXAM BEVERAGE CAN COMPANY (a/k/a  
NATIONAL CAN COMPANY) (a/k/a  
AMERICAN NATIONAL CAN COMPANY);  
NEAPCO, INC. (a/k/a UNITED COMPONENTS,  
INC.); NEW ENGLAND TANK LINING OF  
CONNECTICUT, INCORPORATED; NEW ERA  
OIL SERVICE, INC.; OIL CITY PETROLEUM  
CO., INC.; PEABODY COASTAL (a/k/a  
PEABODY INTERNATIONAL CORP.) (a/k/a

PULLMAN, INC.); UNION CARBIDE CORPORATION; PROCTER & GAMBLE HAIRCARE LLC; REVERE COPPER PRODUCTS, INC. (a/k/a REVERE COPPER & BRASS INCORPORATED); RIVER TERMINAL DEVELOPMENT (SCRAP YARD DIVISION) (a/k/a RTC PROPERTIES) (f/k/a UNION MINERAL & ALLOYS CORP.); ROYAL TANK CLEANING CORP.; SIMMONDS PRECISION PRODUCTS, INC.; MOEN INCORPORATED, A FORTUNE BRANDS COMPANY (f/k/a STANADYNE, INC.); SUNOCO, INC. (a/k/a SUN OIL REFINERY) (f/k/a SUN OIL CO.); TDY INDUSTRIES, INC.; TOTAL RECOVERY, INC.; UNITED STATES DEPARTMENT OF THE AIR FORCE; UNITED STATES DEPARTMENT OF THE ARMY; UNITED STATES DEPARTMENT OF THE COAST GUARD; UNITED STATES DEPARTMENT OF THE NAVY; WALLACE INDUSTRIES INC. (a/k/a WALLACE STEEL CORP.); KRAFT FOODS GLOBAL, INC. (f/k/a WARE CHEMICAL ); WASTE MANAGEMENT OF MARYLAND, INC.; WYMAN-GORDON COMPANY; ZOLLO DRUM COMPANY; COOPER CROUSE-HINDS, LLC (f/k/a CROUSE-HINDS COMPANY); THE HERTZ CORPORATION; LONG ISLAND LIGHTING COMPANY; NL INDUSTRIES, INC.; CROWN CORK & SEAL COMPANY, INC.; CONOCOPHILLIPS; and NEW YORK CITY TRANSIT AUTHORITY,

Third-Party Defendants.

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Civil Action No. 97-7285 (DLI) (RML)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_  
\_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_

*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: